

December 3, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-40185

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

CARLOS CHAVEZ-GUERRERO

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Texas, Laredo  
No. L-02-1122

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Before KING, Chief Judge, and DAVIS and EMILIO M. GARZA, Circuit  
Judges.

PER CURIAM:\*

On October 15, 2002, Defendant Carlos Chavez-Guerrero  
pleaded guilty to one count of transporting an illegal alien  
within the United States for private financial gain in violation  
of 8 U.S.C. § 1324(a)(1)(A)(ii) (2000). The district court  
sentenced Chavez-Guerrero to eighteen months of imprisonment and  
three years of supervised release. No conditions of supervised  
release were mentioned during the oral pronouncement of sentence.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined  
that this opinion should not be published and is not precedent  
except under the limited circumstances set forth in 5TH CIR. R.  
47.5.4.

The court's judgment, however, included the following condition for Chavez-Guerrero's supervised release: "The defendant shall not possess a firearm, destructive device, or any other dangerous weapon during the supervised release." On appeal, Chavez-Guerrero argues that the condition that he not possess "any dangerous weapon" during his supervised release must be stricken from the judgment because it conflicts with the absence of conditions during the oral pronouncement of sentence.<sup>1</sup>

For the reasons outlined in United States v. Torres-Aguilar, No. 03-40055 (5th Cir. filed Dec. 3, 2003), we find that the district court's omission of the dangerous weapon prohibition during the oral pronouncement of sentence did not create a conflict with the sentence set forth in the judgment. Accordingly, the defendant's judgment is AFFIRMED.

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<sup>1</sup> Chavez-Guerrero concedes that the judgment's prohibition on his possession of a firearm or destructive device did not conflict with the oral sentence because, under federal law, it is a crime for a convicted felon to possess either type of device. See United States v. Asuncion-Pimental, 290 F.3d 91, 94-95 (2d Cir. 2002).